

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director

625 Broadway, 12th Floor, Albany, New York 12233-7011

P: (518) 402-9706 | F: (518) 402-9020

www.dec.ny.gov

October 29, 2020

Lorrie A. Clemo  
301 Connecticut LLC  
D'Youville College  
320 Porter Avenue  
Buffalo, NY 14201

Re: Certificate of Completion  
301 Connecticut Street Site, Buffalo, Erie County  
Site No. C915345

Dear Ms. Lorrie Clemo,

Congratulations on having satisfactorily completed the remedial program at the 301 Connecticut Street site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Joshua Vaccaro, Bureau E – Region 9  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Avenue, Buffalo, NY 14203



Department of  
Environmental  
Conservation

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;

If you have any questions regarding any of these items, please contact Joshua Vaccaro at (716) 541-9657.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Lorrie A. Clemo – 301 Connecticut LLC ([clemo@dyc.edu](mailto:clemo@dyc.edu))

Nathan Marton – 301 Connecticut LLC ([martonn@dyc.edu](mailto:martonn@dyc.edu))

Cody Martin – C&S Engineers, Inc. [cmartin@cscos.com](mailto:cmartin@cscos.com)

Craig Slater, Esq. – The Slater Law Firm, PLLC [cslater@cslaterlaw.com](mailto:cslater@cslaterlaw.com)

Christine Vooris – NYSDOH, [Christine.Vooris@health.ny.gov](mailto:Christine.Vooris@health.ny.gov)

Charlotte Bethoney – NYSDOH, [charlotte.bethoney@health.ny.gov](mailto:charlotte.bethoney@health.ny.gov)

Steven Karpinski – NYSDOH, [steven.karpinski@health.ny.gov](mailto:steven.karpinski@health.ny.gov)

Matt Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)

Paul Takac, [paul.takac@tax.ny.gov](mailto:paul.takac@tax.ny.gov)

ec w/o enc.:

Joshua Vaccaro – NYSDEC, R9

Stanley Radon, P.G. – NYSDEC, R9

Michael Cruden, P.E. – NYSDEC

Jennifer Dougherty, Esq. – NYSDEC

Kelly Lewandowski, P.E. – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
***CERTIFICATE OF COMPLETION***

**CERTIFICATE HOLDERS:**

**Name**

301 Connecticut LLC

D'Youville College

**Address**

320 Porter Avenue, Buffalo, NY 14201

320 Porter Avenue, Buffalo, NY 14201

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 6/26/19 **Agreement Execution:** 7/19/19

**Agreement Index No.:** C915345-06-19

**Application Approval Amendment:** none

**Agreement Execution Amendment:** none

**SITE INFORMATION:**

**Site No.:** C915345 **Site Name:** 301 Connecticut Street

**Site Owner:** D'Youville College

**Street Address:** 301 Connecticut Street

**Municipality:** Buffalo **County:** Erie **DEC Region:** 9

**Site Size:** 0.860 Acres

**Tax Map Identification Number(s):** 99.67-8-1.121

**Percentage of site located in an EnZone:** 100%

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

**Allowable Uses under the BCP:** Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

**Cleanup Track:** Track 1: Unrestricted use

**Tax Credit Provisions:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.

Tangible Property Credit is 20%. Comprised of 10% Base, 5% EnZone, 5% Track 1.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24%.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

### **LIABILITY LIMITATION**

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holders shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

### **CERTIFICATE TRANSFERABILITY**

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

### **CERTIFICATE MODIFICATION/REVOCATION**

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation.

The Certificate holders (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By:  Date: 10/29/2020

Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

**NOTICE OF CERTIFICATE OF COMPLETION**  
**Brownfield Cleanup Program**  
**6 NYCRR Part 375-1.9(d)**

301 Connecticut Street Site, Site ID No. C915345  
301 Connecticut Street, Buffalo, New York, 14213  
City of Buffalo, Erie County, Tax Map Identification Number: 99.67-8-1.121

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 301 Connecticut LLC and D'Youville College for a parcel approximately 0.86-acres located at the 301 Connecticut Street in the City of Buffalo and Erie County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

**PLEASE TAKE NOTICE**, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☒ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☒ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☒ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

**PLEASE TAKE NOTICE**, the Certificate may entitle the Certificate holders to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**PLEASE TAKE NOTICE**, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 located at 270 Michigan Avenue, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C915345/>.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

D'Youville College

By: \_\_\_\_\_

Title: \_\_\_\_\_

**301 Connecticut Street Site C915345 – 301 Connecticut Street, Buffalo, NY**

Date: \_\_\_\_\_

STATE OF NEW YORK        ) SS:  
COUNTY OF                )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**

Lorrie A. Clemo  
301 Connecticut LLC / D'Youville College  
320 Porter Avenue  
Buffalo, NY 14201

## **Exhibit A**

### **Site Description**

Parcel A

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the City of Buffalo, County of Erie and State of New York, being part of Block Number 124, bounded and described as follows:

BEGINNING at a point in the southeast line of Connecticut Street 60.00 feet southwest from its intersection with the southwest line of Plymouth Avenue;

THENCE southwest along the southeast line of Connecticut Street, a distance of 238.00 feet to the northeast line of West Avenue;

THENCE southeast along the northeast line of West Avenue, a distance of 177.87 feet;

THENCE northeast and parallel with the southeast line of Connecticut Street, a distance of 178.00 feet;

THENCE northwest and parallel with southwest line of Plymouth Avenue, a distance of 77.87 feet to the northwest corner of lands conveyed to Benedict Perrone by deed recorded in the Erie County Clerk's Office in Liber 7702 of Deeds at page 69;

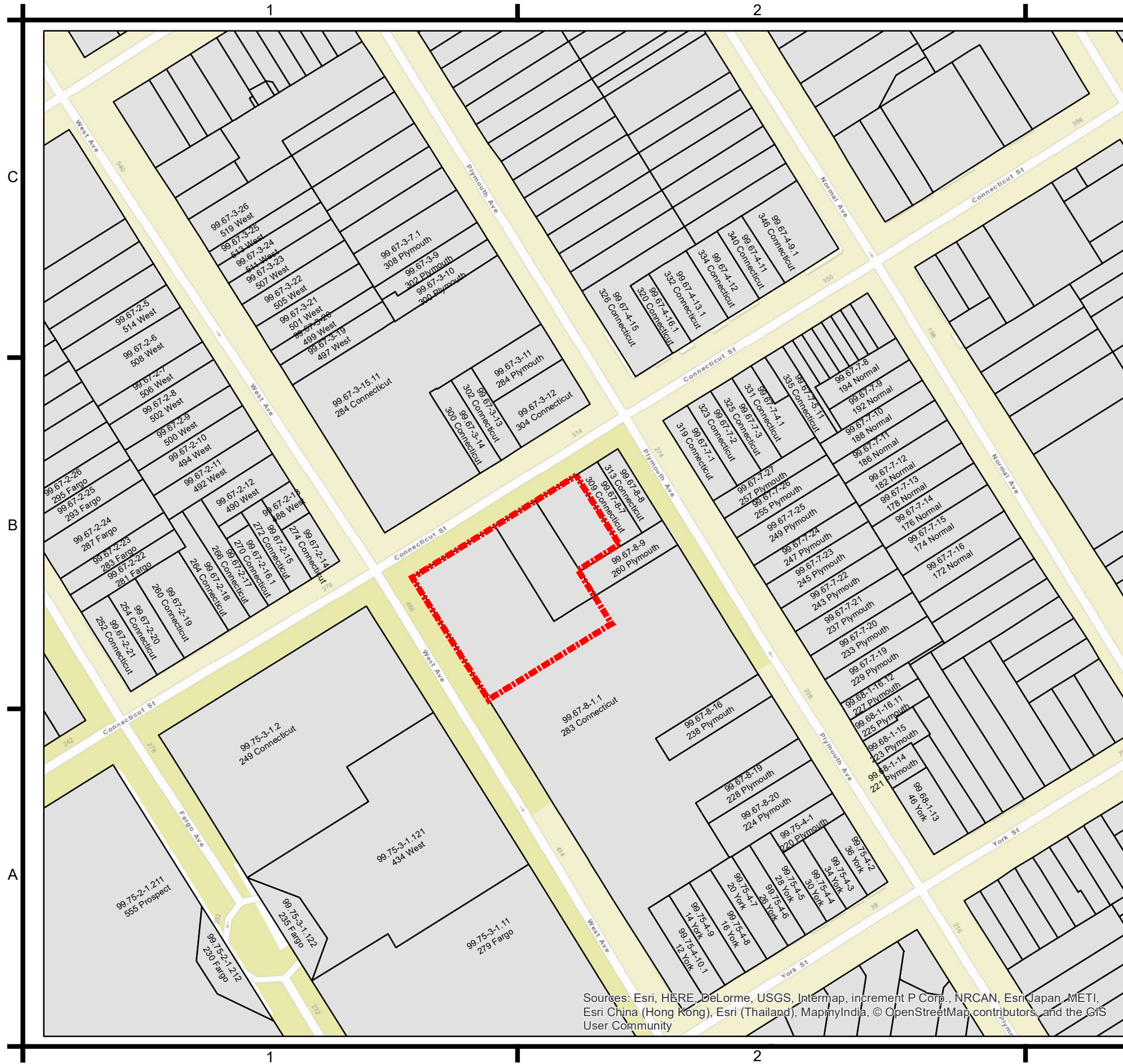
THENCE northeast along the northwest line of said lands conveyed to Benedict Perrone, a distance of 60.00 feet to the southwest corner of lands conveyed to Joseph Petronella by a deed recorded in the Erie County Clerk's Office in Liber 7685 of Deeds at page 167;

THENCE northwest along the southwest line of said lands conveyed to Joseph Petronella, a distance of 100.00 feet to the place of beginning.



## **Exhibit B**

### **Site Survey**

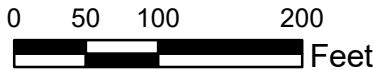


Legend

- PROPOSED BCP BOUNDARY
- 2017 PARCEL BOUNDARIES

Notes

- 1) SBL AND ADDRESS DATA IS DATED 2017. ON 12/17/2018, THE CITY OF BUFFALO PLANNING BOARD ISSUES MINOR SUBDIVISION APPROVAL FOR THE PROPOSED BCP SITE, RESULTING IN THE FORMATION OF A SINGLE 0.87 ACRE PARCEL OWNED BY D'YOUVILLE, TO BE KNOWN AS 301 CONNECTICUT STREET, WHICH WILL APPEAR ON CITY OF BUFFALO 2020 TAX ROLLS AS SBL 99.67-8-1.121.
- 2) TAX MAPS ARE MAINTAINED IN DIGITAL FORMAT AS AN ESRI ARCGIS GEODATABASE PROVIDED BY THE ERIE COUNTY DEPARTMENT OF REAL PROPERTY TAX SERVICES AND ERIE COUNTY OFFICE OF GIS:  
<http://gis2.erie.gov/HTML5/ErieCountyNY/>



C&S Engineers, Inc.  
141 Elm Street  
Buffalo, New York 14203  
Phone: 716-847-1630  
Fax: 716-847-1454  
[www.cscos.com](http://www.cscos.com)



CONNECTICUT STREET SITE  
301 CONNECTICUT STREET  
BROWNFIELD CLEANUP PROGRAM  
APPLICATION  
CITY OF BUFFALO, NEW YORK

MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO:	V20.001.002	
DATE:	11/26/2018	
DRAWN BY:	A. DEMARCHI	
DESIGNED BY:	A. DEMARCHI	
CHECKED BY:	D. RIKER	
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

TAX MAP  
BOUNDARIES

FIGURE 4-2